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SEP 18 1995

FEDERAL COMMUNICATIONS COMMISSION
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September 18, 1995

HAND DELIVERY

Mr. William Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Re: Ex Parte Filing in CS Docket No. 95-61

Dear Mr. Caton:

In accordance with Section 1.1200 et seq. of the Commission's rules, attached herewith for inclusion in the record of the above-referenced proceeding are two newspaper articles which discuss Liberty Cable Company, Inc.'s ("Liberty") efforts to obtain access to Stuyvesant Town and Peter Cooper Village, a sprawling Manhattan residential community which includes over 12,000 apartments.

As the articles describe, Liberty has spent the last two years trying to convince Metropolitan Life Insurance Company ("MetLife"), owner of the development, to allow it to access the complex and compete against Time Warner Cable ("Time Warner"), the sole provider of cable services to the community. However, it was not until Stuyvesant Town residents -- outraged at the high cost of Time Warner's services and their inability to select an alternative video service provider -- complained to local officials that MetLife finally agreed to allow Liberty to offer its services to the community.

Aside from emphasizing the value of competition, the articles demonstrate why regulators -- both federal and local -- must aggressively encourage the growth of competition. Indeed, without the public outcry of Stuyvesant Town residents and the intervention of local officials, it is unlikely that Liberty would ever have been permitted to compete with Time Warner in Stuyvesant Town. As the

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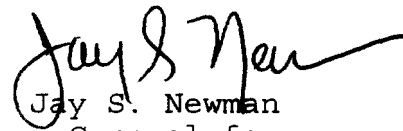
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Mr. William Caton
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Page 2

Commission prepares its report to Congress on the status of competition, it is imperative that these realities of the marketplace are conveyed to Congress.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay S. Newman", with a stylized flourish extending from the end.

Jay S. Newman
Counsel for
Liberty Cable Company, Inc.

Attachments

JSN:cas

The City

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Section **13**

STUYVESANT TOWN

Liberty Cable vs. Time Warner

In its biggest challenge yet to Time Warner Cable, Liberty Cable has received permission to provide cable service to Stuyvesant Town and Peter Cooper Village, the sprawling developments owned by Metropolitan Life Insurance Company. For more than two years, Met Life had resisted allowing Liberty Cable access to the complexes, which have a total of 12,221 apartments.

The State Attorney General's office has been investigating the relationship between Time Warner Cable and Metropolitan Life for possible anti-trust violations.

A spokesman for Met Life said the company had changed its mind and decided to permit Liberty Cable access to the developments after its lawyers had reviewed the situation.

"Previously, we thought it was in the best interest of Stuyvesant Town residents to work with one cable company," said the spokesman, Jon Goldstein. "Upon review of the situation by our law department, it became clear that we needed to allow multiple cable company access to the community."

Jo-Ann Polise, vice president of the Stuyvesant Town-Peter Cooper Village Tenants Association, said she was thrilled that tenants would finally "have a choice" about cable service.

In a letter to City Councilman Andrew S. Eristoff, who sided with Liberty, Thomas J. McCarthy, Metropolitan Life's vice president of corporate property management and housing investments, cited a New York State law that forbids landlords from interfering with the installation of cable television facilities as long as certain conditions are met.

"We would hope this would allow residents of this community better service at lower costs," Mr. Eristoff said.

The president of Time Warner Cable, Barry Rosenblum, said the company had been contacted last year and again about a month ago by the Attorney General's office, which was seeking information. Mr. Rosenblum declined further comment.

Peter Price, president of Liberty Cable, said he planned to sit down with Metropolitan Life officials soon to discuss the logistics of installation, and then he would mail information to tenants explaining that they now have a choice between the cable companies.

"We think our best mode of communication will be word of mouth," he said. "The people there have a keen sense of community. People talk to one another while pushing their baby carriages and walking their dogs." MONTE WILLIAMS

Art: Peter Price

n & Village



NEW YORK, NEW YORK, AUGUST 24, 1995

50 CENTS

OD CAUSE



Photo by Todd Maisel

Godfrey and Peter Griffin will
d disease.

e'll ride for the challenge of it

Frankel of Stuy Town is prepared to
her self, mentally and physically—
specially because it is a "great cause,
it effects so many people my age."
"great cause" is the fight against

she doesn't have close friends who
cted by AIDS, she said her work in
vision industry has brought her close
people who have AIDS and a few
ve died. Frankel is a production
t for the soap opera, the Guiding
out she finds time to train for her
k on the AIDS RIDE.

tender 30-year-old resident of 535
th Street is ready for her long ride,
says training has been very difficult
stly indoors because of the heat. She
stationary bike during the hot, humid

litated under the New York Lim-
ited Liability Law.
any lawful act of activity per-
NY 10017. Purpose: To engage in
Khalid Co. 277 Park Ave. NY.

We get 'Liberty' to choose cable

By TODD MAISEL

As a result of pressure from Councilman Andrew Eristoff and the State Attorney General's office, MetLife relented and will allow a rival cable television company to offer services to both developments.

Liberty Cable, rival to Time Warner's Manhattan Cable, had sought permission from MetLife to allow them to offer services to the community. Liberty Cable was offering cable television service that was up to 20-30 percent cheaper than rival Manhattan Cable, though those services varied. Liberty was refused access to install satellite dishes on rooftops to provide the cable

access.

MetLife refused to allow Liberty Cable for the past two years to come into the buildings and provided no reason for the decision. And as a result of their recalcitrance, some residents complained, spurring an investigation that started this past spring by State Attorney General Dennis Vacco into a possible anti trust violation.

However, in a letter dated Aug. 16, 1995, MetLife provided a tacit approval of Liberty's request to service the community. The letter, from Thomas J. McCarthy, vice president of MetLife Real Estate, notified Councilman Andrew Eristoff that MetLife is obliged to comply with New York Executive

Law #828, which according to the letter "required, in part, that no landlord shall interfere with the installation of cable television facilities upon his property or premises."

The law stipulates that the building owner may require that the installation protect the safety, functioning and appearance of the premises and the convenience and well-being of tenants. It also says the cable company or tenant must bear the cost of installation or removal of those facilities; and the cable company agreed to reimburse the building owner for any damage caused by the installation, operation and

Please turn to Page 15

Inspection of Stuy Town water tanks gets city ok

Drinking water may be safer for residents as a result of efforts by Assemblyman Steven Sanders who said the Giuliani Administration has acceded to demands that the City's 20,000 residential water tanks be regularly inspected.

Sanders made this demand of the City in the face of his discovery that the City was ignoring its own health codes, leaving drinking water quality in possible peril and making a mockery of multi-million-dollar efforts to safeguard the City's water supply.

the drinking supply—and all pertinent records had been left building owners, with no records of this self inspection system ever made available to City health or environmental officials.

Upon receipt of Sanders's June letter to the Mayor, the matter was referred by the Administration to City De-

partment of Environmental Protection (DEP) Commissioner Marilyn Gelber.

In a letter from Gelber to Sanders of August 17th, Gelber reported that at Sanders's urging an interagency meeting with the Mayor's office and other City agencies was held on August 2nd

Please turn to Page 9

INSIDE THIS WEEK

Shoot'em up is a blast

The new movie "Desperado," is a delight for all those fans of bloody "B" movie type flicks and will probably catapult

programming is somewhat

Liberty

Continued from Page 1
removal of cable facilities.

John Goldstein, spokesman for MetLife, said the letter to Eristoff, which was also forwarded to Liberty Cable, explains their position and would stand as their comment.

Peter Price, president of Liberty Cable, was elated with the news and said he would move quickly to offer residents a choice in their cable services. He applauded Councilman Eristoff for pushing the issue with the State Attorney General and questioning MetLife's right to keep Liberty out.

"This was quite an accomplishment for Councilman Eristoff and his intervention is responsible for opening Town and Village to competitive services," Price said. "We are willing and able to comply with the terms set forth by Mr. McCarthy and we are ready to activate service for residents."

Price said there was never any reason given by MetLife for refusing them access to the buildings except that, "they said they were quite happy with the current cable supplier."

"Most of the time, we are welcomed with open arms and cable subscribers can save from a third to a half of what Time Warner charges," Price said. "Management of co-ops, condos or rentals always respond to the desire of the residents, whether they receive the New York Times, or the Post or the News. The day of the monopoly here is over."

Waterside Plaza had invited Liberty Cable into the development this past winter and according to Price, he has about 500 subscribers --out of nearly 2,000 apartments.

Price acknowledged the

different, and Time Warner refuses to sell them NY-1 News. But he says his company offers stations that Time Warner doesn't and some services for free that Time Warner charges extra.

"Time Warner never had to look over its shoulder until now and they will be looking every three minutes," Price said. "Competition and not regulation is a very good idea. I have found people in Stuy Town enormously frustrated and people at a meeting of the tenants association stood up and yelled. We are pleased with Mr. McCarthy's response."

Councilman Eristoff echoed his sentiment, saying he is for a free market of competition.

"This is a really big victory - we are very pleased with this decision and the credit goes to Tom McCarthy," Eristoff said. "I am glad they came up with the right response, though I know they have to be careful because there is still the anti-trust complaint."

A spokesperson from the State Attorney General's office said it is not their policy to comment on investigations and could not say if the investigation, which was confirmed by Eristoff, is continuing or not.

"I think this investigation

had some sort of impact on their position," Eristoff said of MetLife. "But I don't want to dwell on the prior frustration. I would rather take this moment to say something good about Met that they did the right thing. Competition is always good because it leads to better prices, better services and my constituents in Stuy Town and Peter Cooper will have access to better services and much lower prices."

Eristoff said the cable business is going through major changes because of deregulation that may put the telephone companies in a position to offer cable channels.

Jo-Ann Polise, vice president of the PCV/ST Tenants Association, applauded MetLife's decision saying, "it gives the people the opportunity to shop around and ultimately, the consumer will make the decision which is the best product and now they will have the choice," Polise said.

She said the complaints had gone on for nearly two years and she was not aware that the Liberty fight was still ongoing.

"In this instance it was a good decision and the tenants will benefit," Polise said.

NOTICE OF FORMATION OF
Domestic Limited Liability Company, BOINGI LLC has been filed with the Secretary of State of New York on July 28, 1995. Period of duration: December 31, 2035. The office location is in New York County. The Secretary of State has been designated as agent of the limited liability company upon whom process against it may be served. The Secretary of State may mail a copy of any process against it served upon him or her to c/o BOINGI, LLC, 2122 Broadway, New York, New York 10024. Purpose: to engage in any business activity except those prohibited by law.

L & J REALTY CO. LLC

Notice of conversion of L & J Realty Co. to Limited Liability Company ("LLC"). Cert. filed with the Sec. of State of NY ("SSNY") on 6/5/95. Office location: NY County. SSNY has been

NAME OF FOR. L.P. Zecken-
dorf Investments, L.P. Appl. for Auth. filed NY Sec. of State 7/25/95. Jurisd. and date of org. DE 1/12/95 NY State office loc. NY County. Sec. of State designated as agt. against whom process against it may be served. Sec. of State shall mail a copy of any process to 245 Park Ave. 16th Fl. NY, NY 10167. Addr. of Fship. in DE is 32 Locherman Sq., Suite L-100, Dover, DE 19901. Name/address of GP available from Sec. of State. Authorized officer in DE where Cert. of LP is filed Sec. of State of DE. Town-send Bldg., Dover, DE 19901. Purpose: Real Estate Investment.

NOTICE OF FILING OF ARTICLES OF

3 violations NYU for

Only a week after the Department of Environmental Protection said roof work at NYU Dental Center on East 25th Street was safe, three violations were issued by the same agency for "failure to verify the absence of asbestos containing material prior to removal."

An official for the same agency told a resident of East Midtown Plaza that an inspector saw "material flying about that was confirmed to be asbestos." Gerard Schriffen, a resident of East Midtown Plaza and an assistant district attorney at the Brooklyn District Attorney's office, said he took photos of the workers tearing up the roof and throwing debris into the air at late hours of the night and early morning hours.

"What bothered me most about this is that NYU continues to deny that there is a problem with what they were doing, but Ben Effner, chief of staff at the DEP, told me that an inspector saw material flying around and found asbestos present," Schriffen said. "NYU continued to deny there was a problem, yet they made provisions to

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NOTICE OF FORMATION OF
limited liability company (LLC). Name: Strategic Legal Resources, LLC. Articles of Organization filed with Sec. of State of New York (SSNY) on 7/30/1995. Office location: New York County. SSNY is designated as agent of the LLC upon whom process against it may be served. Post office address to which SSNY shall mail a copy of any process against it served upon him is c/o The Prentice-Hall Corporation System, Inc., 500 Central Avenue, Albany, NY 12206-2390. Latest date upon which LLC is to dissolve is 12/31/2020. Purpose of LLC: any lawful purpose.

NAME OF LLC Stahl/TBM
Management Co. LLC. Arts. of Org. filed NY Sec. of State 7/19/98. Off. loc. in NY County. Sec. of State designated as agent of LLC upon whom process may be served. Sec. of State shall mail

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